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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,973

06/09/2005

Klaus Ringger

10191/3714

6449

26646 7590 07/09/2007
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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10520973	6/9/05	RINGGER ET AL.	10191/3714

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ART UNIT**PAPER**

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20070704

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Commissioner for Patents

On page 5 of the appeal brief, Appellant seems to be relying upon the website "<http://dictionary.reference.com/browse/verify>" for evidence. However, in the evidence relied upon section Appellant states "None." 37 CFR 41.37(c)(1) states,

"Any appendix containing copies of any evidence submitted pursuant to 1.130, 1.3.1 or 1.1.32 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See 41.33 for treatment of evidence submitted after appeal. " (emphasis added)

Further, 37 CFR 41. 337(c)(2) states,

"A brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence." (emphasis added)

Appellant's attention is directed to 37 CFR 41.33 for guidance as to when evidence can be entered.

If Appellant has previously timely submitted that website referred to above, Appellant should provide a copy in the evidence appendix and a statement of when the evidence was entered by the examiner. If the website referred to above, has not be previously entered Appellant should consult 37 CFR 41.33 and/or remove the reference to unentered evidence.

Patent Examiner,

Tuan C. To